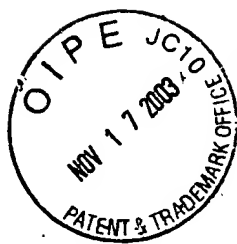


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Request*  
*Patent*  
*Albn*  
*#9*  
*12/17/04*  
*DeWine*

Applicant : James H. Jannard

Appl. No. : 09/711,433

Filed : November 13, 2000

For : CONTOURED METAL  
EYEGLASS FRAMES

Examiner : Huy Mai

Group Art Unit: 2873

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

November 12, 2003

Date

*Gerard von Hoffmann*  
Gerard von Hoffmann, Reg. No. 33,043

REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. § 1.181

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

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Dear Sir:

Applicant hereby requests withdrawal of the holding of abandonment in the Notice of Abandonment mailed on November 12, 2002.

- (X) The Patent and Trademark Office mailed an Office Action in the above-identified application on March 27, 2002. A Response to the Office Action was mailed on June 12, 2002. A return postcard was stamped by the Patent and Trademark Office on June 17, 2002. A Notice of Abandonment was mailed on November 12, 2002 for Applicant's failure to timely file a proper reply to the Office Action mailed on 27 March 2002.
- (X) A copy of the Response to Office Action mailed on June 12, 2002 is enclosed. Consideration and entry of this submission is respectfully requested.
- (X) A copy of the return postcard date stamped June 17, 2002 is also enclosed.
- (X) Applicant respectfully requests the withdrawal of the holding of abandonment on the above-identified application.

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130.00 DP

Appl. No. : 09/711,433  
Filed : November 13, 2000

- (X) The \$130 fee set forth in 37 C.F.R. § 1.17(h) accompanies this request.
- (X) Please charge any additional fees or credit any overpayment to our Deposit Account No. 11-1410.
- (X) Return prepaid postcard.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/12/03

By: Gerard von Hoffmann  
Gerard von Hoffmann  
Registration No. 33,043  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

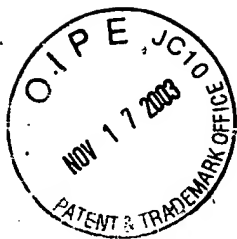
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COPY

PATENT

Case Docket No. OAKLY.929C2

Date: June 12, 2002

Page 1

In re application of : James H. Jannard  
App. No. : 09/771,433  
Filed : November 13, 2000  
For : CONTOURED METAL  
EYEGLOSS FRAMES  
Examiner : Huy Kim Mai  
Art Unit : 2873

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

June 12, 2002

(Date)

Vito A. Canuso III, Reg. No. 35,471

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

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Sir:

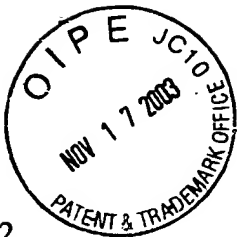
Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	7	—	33	= 0 ×	\$18	= \$0
Independent Claims	1	—	3	= 0 ×	\$84	= \$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0

- (X) Amendment.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Vito A. Canuso III  
Registration No. 35,471  
Attorney of Record



COPY

OAKLY.929C2

PATENT


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James H. Jannard  
Appl. No. : 09/771,433  
Filed : November 13, 2000  
For : CONTOURED METAL  
EYEGLOSS FRAMES  
Examiner : H. MAI

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June 12, 2002

(Date)

  
Vito A. Canuso III, Reg. No. 35,471

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RESPONSE TO OFFICE ACTION

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Applicant hereby responds to the Office Action mailed March 27, 2002. Claims 1 through 33 are pending in the present Application.

IN THE CLAIMS:

Please cancel Claims 1-26.

REMARKS

In the Office Action of March 27<sup>th</sup>, the Examiner rejected Claims 1-26 under the judicially created doctrine of obviousness-type double patenting, relying upon U.S. Patent Nos. 6,056,399 and 5,708,489. The Examiner allowed Claims 27-33. Because Claims 27-33 are not subject to the double patenting rejection, Applicant has canceled Claims 1-26 in the present application and will file a continuation application so that an appropriate terminal disclaimer can be filed with respect to those same Claims 1-26. For that reason, Applicant respectfully requests that the Examiner pass

**Serial No** : 09/771,433  
**Filed** : November 13, 2000

this application on to issuance and that Claims 27-33 may issue. If there is any issue that may be resolved by telephone, the Examiner is respectfully requested to call the undersigned at (949) 760-0404 to discuss such issue.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR

Date: June 12, 2002

By: 

Vito A. Canuso III  
Registration No. 35,471  
Attorney of Record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(619) 235-8550

VAC-3227